



I hereby Certify that this Correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on November 23, 2004.

Martin G. Linahan

Name

Signature

November 23, 2004

Date of Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Robert E. Duthie, Jr.

Serial No.: 09/903,825

Filed: July 11, 2001

For: Micro-organism Reduction In Liquid By Use
Of A Metal Halide Ultraviolet Lamp

RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Office Action mailed June 25, 2004.

Reconsideration of the rejection of claims 1-10 under 35 USC 103 based on Wilson in view of Duthie, Jr. is respectfully requested for the following reasons. Firstly, applicant's claimed method and apparatus is for disinfection/pasteurization of fluids. Contrary to the Examiner's conclusion, Wilson does not disclose an apparatus for disinfection/pasteurization. Wilson discloses only sterilization, and applicant can find no reference to disinfection/pasteurization in the Wilson patent. The difference between sterilization and disinfection is discussed, for example, on page 7, lines 4-19 of the instant application.

Applicant's invention is characterized by the combination of a mercury/gallium metal halide ultraviolet lamp (10) enclosed within an ozone free, metallic doped quartz envelope and an ozone free, metallic doped quartz enclosure (12) for the lamp. Duthie, Jr. discloses only the lamp. This can be confirmed by an inspection of the specification of Duthie, Jr. and of the instant application on page 3 at lines 32-34. Wilson does not disclose an ozone free, metallic doped quartz enclosure for a lamp. In fact, Wilson appears to teach against quartz tubes at the top of column 2 of his patent. Instead, the tube employed by Wilson is provided with an outer sleeve of Teflon.

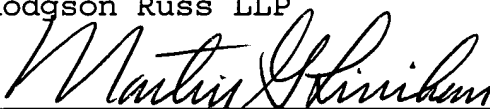
Accordingly, even if the proposed combination of Wilson and Duthie, Jr. were to be made, it would not result in applicant's claimed invention.

In view of the foregoing, claims 1-10 are believe to patentably distinguish over Wilson and Duthie, Jr. within the meaning of 35 USC 103.

Favorable action on this application is respectfully requested.

Respectfully submitted,

Hodgson Russ LLP

By 
Martin G. Linihan, Reg. No. 24,926

One M&T Plaza, Suite 2000
Buffalo, New York 14203-2391
Tel: (716) 848-1367
DATE: November 23, 2004